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7 HENRY SCHEIN, INC.,
8 Plaintiff,
9 v.
10 JENNIFER COOK,
11 Defendant.

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4 UNITED STATES DISTRICT COURT
5 NORTHERN DISTRICT OF CALIFORNIA

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7 Case No. 16-cv-03166-JST
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28 **ORDER RE: DISCOVERY DISPUTE**

29 Re: ECF No. 26

30 This is a further order regarding the discovery dispute pending between Plaintiff and third
31 party Patterson Dental Supply, Inc. See ECF Nos. 26, 27.

32 The parties are ordered to appear in Courtroom 9 on July 25, 2016 at 9:00 a.m. for a
33 hearing regarding this dispute. The Court's goal will be to determine a schedule for the
34 production of the documents Plaintiff has requested from Patterson; to determine whether the
35 documents can be produced in stages, instead of all at once; and to ensure that any discovery is
36 proportional to both the needs of the Plaintiff for full discovery and the expense that such
37 discovery might entail. See Fed. R. Civ. P. 26(b)(1) (requiring district courts to consider "the
38 importance of the issues at stake in the action, the amount in controversy, the parties' relative
39 access to relevant information, the parties' resources, the importance of the discovery in resolving
40 the issues, and whether the burden or expense of the proposed discovery outweighs its likely
41 benefit"). Each side should be prepared to answer detailed questions concerning these
42 considerations.

43 If the parties submit a stipulated proposed schedule, the Court will adopt it. If the parties
44 submit competing schedules, the Court will endeavor to choose, in all respects, the single proposal
45 it concludes is most reasonable. See Michael Carrell & Richard Bales, Considering Final Offer

1 Arbitration to Resolve Public Sector Impasses in Times of Concession Bargaining, 28 Ohio St. J.
2 on Disp. Resol. 1, 20 (2013) (“In baseball arbitration ... the parties ... have every incentive to make
3 a reasonable proposal to the arbitrator because the arbitrator will choose the more reasonable
4 offer”); see also Sage Electrochromics, Inc. v. View, Inc., No. 12-CV-6441-JST, 2014 WL
5 1379282, at *3 (N.D. Cal. Apr. 8, 2014) (same).

IT IS SO ORDERED.

7 | Dated: July 21, 2016

JON S. TIGAR
United States District Judge

United States District Court
Northern District of California